

COPY

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

703-0097

STIPULATED AGREEMENT No. 1059

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", the Illinois Central Railroad Company, hereinafter referred to as the "Company", the City of Chicago, hereinafter referred to as the "City", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through written correspondence that inquiry should be made into the matter of improving public safety at the highway underpass structure carrying the Company's tracks over a public highway known as Loomis Street, located in the City of Chicago, Cook County, Illinois, designated as crossing DOT 289 799V, milepost 4.01; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and all other pertinent data relating to the highway underpass structure have been obtained and are shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law ("Fund") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) Lower the pavement under the subway structure at Loomis Street, to increase the vertical clearance from the existing 12.0 feet (12.0') to a new vertical clearance of 14 feet (14.0'), as indicated on Exhibit A, pages 2 through 5.

DOCKETED

Section 3 The City has prepared detailed drawings and preliminary estimates of cost to accomplish the proposed improvements which they may be required to perform, said estimates are attached as Exhibit B.

Section 4 The City shall upon order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans to the Department should be sixty (60) days, for the submission of progress reports should be at six (6) month intervals, and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order, subsequent to this agreement.

The CITY shall at six (6) month intervals from the date of the Commission Order subsequent to this Agreement, until the project has been completed, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the total Project from the Grade Crossing Protection Fund and percentage of completion of the entire project. If the project is behind schedule, the report must also include a brief explanation of the reason(s) for the delay.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a.) The cost for lowering the pavement under the structure at Loomis Street is estimated to be \$2,377,473, which includes \$5,000 for the Company's Force Account Work. The Grade Crossing Protection Fund should pay 59% of the total cost, not to exceed \$1,402,709. The City should pay the remainder of the construction cost and the Company's Force Account costs that exceed the estimate. (Note: \$7,500 was removed from the cost estimate, as Line Item #5 - tree planting, is not reimbursable from the Grade Crossing Protection Fund).
- b.) Future maintenance costs of the structure and the pavement shall be divided in the same manner as for the existing subway structure and roadway.

Section 6 The City is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the order and indicates this intent by Resolution attached as Exhibit C.

Section 7 Special Provisions. In view of the fact that federal funding may be utilized for the structure and roadway improvements, any such funded work shall be governed by applicable provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted December 9, 1991.

Since the structure improvements will be performed by the City and/or its contractor, contractor insurance and railroad liability insurance will be required as specified in Illinois Department of Transportation "Standards and Specifications for Road and Bridge Construction" Section 107.

All bills for expenditures authorized to be reimbursed from the Grade Crossing protection Fund shall be submitted to the District Office of the Illinois Department of Transportation, 201 West Center Street, Schaumburg, Illinois, 60196-1096. Copies of all bills received shall be submitted to the Director of Processing and information, Transportation Division of the COMMISSION. The final bill for expenditures from each party (in the event the Company submits its own bills for railroad force account work and not through the contractor) shall be clearly marked "Final Bill". All bills shall be submitted to the COMMISSION no later than twenty-four (24) months from the date of COMMISSION Order subsequent to this agreement. The Department shall, at the end of the 24th month from the COMMISSION'S Order date, de-obligate all residual funds accountable for this project.

The CITY must at six (6) month intervals from the date of the Order subsequent to this Agreement, until the project has been completed, submit written reports to the Director of Processing and Information, Transportation Division of the Commission stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and project manager information (the name, title, mailing address, telephone number and facsimile number of the City's employee responsible for management of the project).

All contract submittals and construction correspondence should be submitted to Mr. Don Lewis, Manager of Bridges and Structures, Illinois Central Railroad, 17641S. Ashland Avenue, Homewood, IL 60430-1345, telephone (773-350-7330).

Section 8 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 27th day of August, 2003.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Brian A. Vercruysse
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1059 concerning improvements at the highway underpass structure carrying the Illinois Central Railroad Company's tracks over a public highway known as Loomis Street, located in the City of Chicago, Cook County, Illinois, designated as crossing DOT 289 799V, milepost 4.01;

Executed by the Company

this 16th day of September, 2003.

Illinois Central Railroad Company

By: Paul E. Ladner
(Title)
Region Director Contracts

Attest:

John D. Hogg

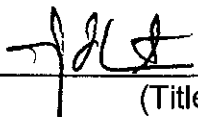
Figure 1: Schematic representation of the experimental design. The diagram shows a sequence of events: a 10-second fixation cross, followed by a 10-second presentation of a stimulus (a word), and then a 10-second presentation of a response (a word). The stimulus and response are presented in a box. The response is then followed by a 10-second presentation of a word, which is then followed by a 10-second presentation of a word. The sequence ends with a 10-second presentation of a word.

Illinois Commerce Commission Stipulated Agreement No. 1059 concerning improvements at the highway underpass structure carrying the Illinois Central Railroad Company's tracks over a public highway known as Loomis Street, located in the City of Chicago, Cook County, Illinois, designated as crossing DOT 289 799V, milepost 4.01;

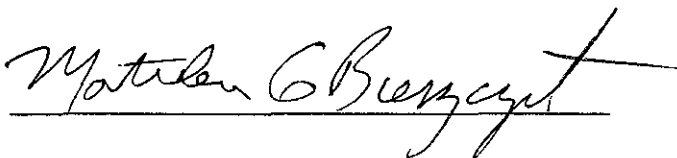
Executed by the City

this 6th day of October, 2003.

City of Chicago

By:  ch
(Title)

Attest:



STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT SURVEY FORM

EXISTING HIGHWAY UNDER RAILROAD STRUCTURE

GENERAL INFORMATION:

RR/LINE Illinois Central MILEPOST 4.01 INVENTORY NO. 289 799V
CITY Chicago STREET Loomis Street COUNTY Cook
ROADWAY JURISDICTION City URBAN ☒ RURAL ☐ COMMERCIAL ☒ RESIDENTIAL ☐
APPROACH SURFACE Asphalt WIDTH 43 Feet
CONDITION Fair
ADT 4000 SPEED 25 mph STATEWIDE Yes
SCHOOL BUSES No HAZ MAT No OTHER
NUMBER AND TYPE OF TRACKS 3 MAIN TRAIN TRAFFIC 12

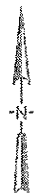
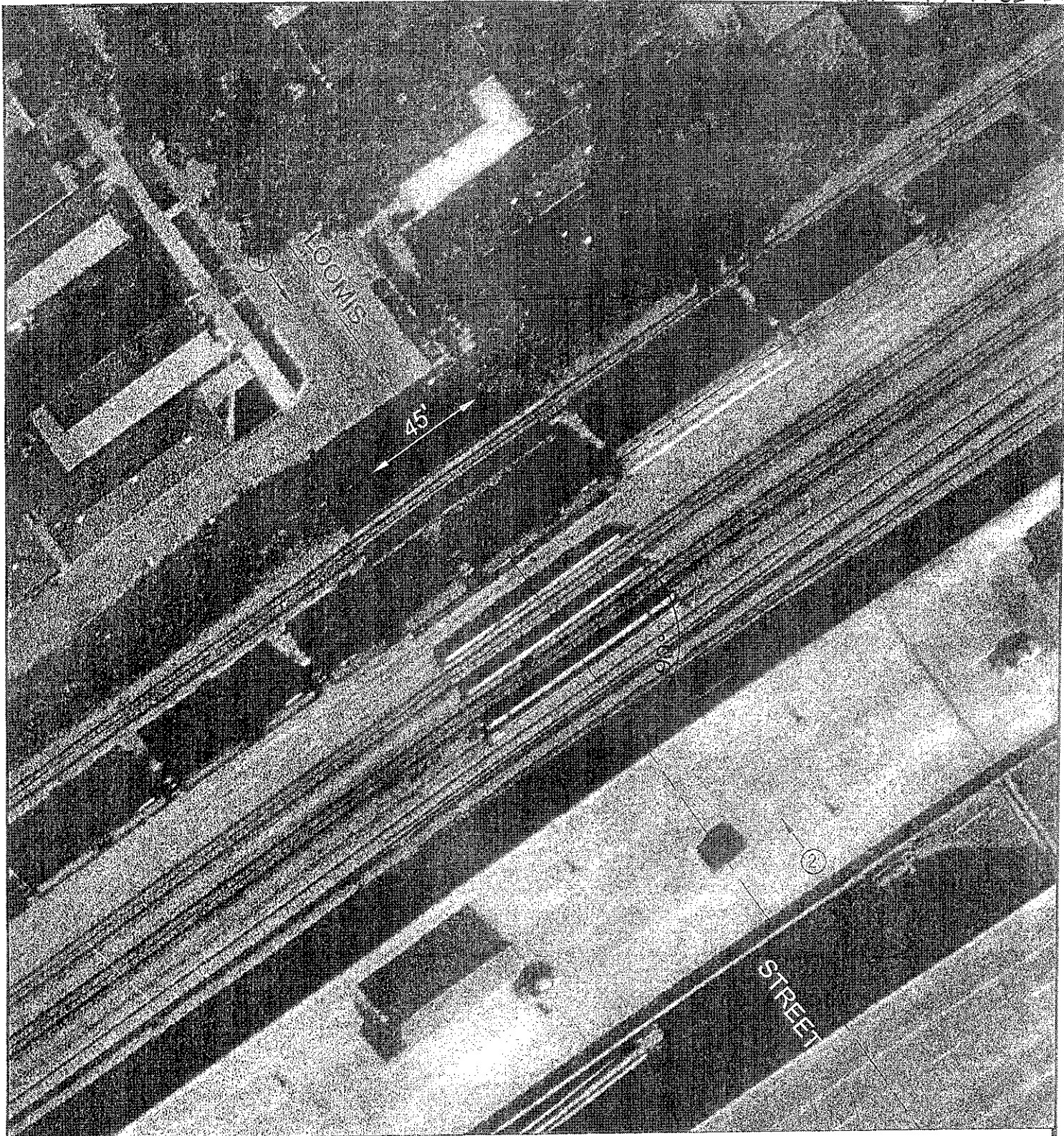
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STRUCTURE INFORMATION:

JOB NO. B-0-229 ANGLE 90° CONDITION Fair
PRESENT STRUCTURE TYPE Steel Plate Girder
NUMBER AND LENGTHS OF SPANS 1 @ 66 ft
DECK WIDTH N/A ROADWAY WIDTH See above
WALKWAYS N/A WEARING SURFACE Asphalt
VERTICAL UNDERCLEARANCE 12.0 Feet

| |
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COMMENTS: The roadway pavement is to be lowered under the structure to increase the vertical clearance from the existing 12.0' to a new vertical clearance of 14.0'. The work also includes the replacement of the existing storm sewers.
The Company has reviewed the plans for the aforementioned reconstruction and the Force Account Work cost estimate is noted in the City's estimate of costs.



SCALE IN FEET

50 0 50

③ Photo Location

Crossing #: 289799V

Location: Cook Co., City of Chicago (I)

Lat/Long: 41°50'34" / 87°39'31"

Railroad: IC

Street: Loomis Street

Railroad Milepost: 4.01

IDOT ID #:

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
PRELIMINARY HIGHWAY SUBWAY COST ESTIMATE

Exhibit B
Page 1

August 27, 2003

Stipulated Agreement 1059

| Item # | Description | Unit | Loomis Qty | Loomis Unit Cost | Loomis Total Cost |
|--------|---|------|------------|------------------|-------------------|
| 1 | EARTH EXCAVATION | CYD | 65 | \$25.00 | \$1,625.00 |
| 2 | SAW CUTTING PAVEMENT | LFT | 2000 | \$3.00 | \$6,000.00 |
| 3 | TREE REMOVAL (UNDER 15" DIAMETER) | ID | 60 | \$30.00 | \$1,800.00 |
| 4 | TREE REMOVAL (OVER 15" DIAMETER) | ID | 40 | \$40.00 | \$1,600.00 |
| 5 | FRAXINUS AMERICANA (AUTUMN PURPLE WHITE ASH) 2 1/2" TO 3" B & B | EACH | 15 | \$500.00 | \$7,500.00 |
| 6 | PAVEMENT REMOVAL AND REPLACEMENT | SYD | 325 | \$55.00 | \$17,875.00 |
| 7 | STABILIZATION STONE | CYD | 65 | \$20.00 | \$1,300.00 |
| 8 | CRUSHED STONE (TEMPORARY USE) | TON | 100 | \$20.00 | \$2,000.00 |
| 9 | SUBBASE GRANULAR MATERIAL, TYPE B, 6" | SYD | 5400 | \$20.00 | \$108,000.00 |
| 10 | HIGH-EARLY STRENGTH PORTLAND CEMENT CONCRETE BASE COURSE, 9" | SYD | 3466 | \$50.00 | \$173,300.00 |
| 11 | BITUMINOUS CONCRETE SURFACE COURSE, SUPERPAVE, MIX "D", N50 | TON | 337 | \$70.00 | \$23,590.00 |
| 12 | BITUMINOUS CONCRETE BINDER COURSE, SUPERPAVE, IL-19, N50 | TON | 277 | \$70.00 | \$19,390.00 |
| 13 | LEVELING BINDER (HAND METHOD) | TON | 25 | \$100.00 | \$2,500.00 |
| 14 | BITUMINOUS MATERIALS (PRIME COAT) | GAL | 639 | \$1.50 | \$958.50 |
| 15 | AGGREGATE (PRIME COAT) | TON | 20 | \$40.00 | \$800.00 |
| 16 | COMBINATION CONCRETE CURB AND GUTTER, TYPE BV-12 | LFT | 1815 | \$15.00 | \$27,225.00 |
| 17 | CONCRETE CURB, TYPE B | LFT | 207 | \$20.00 | \$4,140.00 |
| 18 | COMBINATION CONCRETE CURB AND GUTTER (SPECIAL) | LFT | 1140 | \$40.00 | \$45,600.00 |
| 19 | HIGH-EARLY STRENGTH PORTLAND CEMENT CONCRETE PAVEMENT, 10" | SYD | 1399 | \$50.00 | \$69,950.00 |
| 20 | HIGH-EARLY STRENGTH PORTLAND CEMENT CONCRETE DRIVEWAY PAVEMENT AND ALLEY PAVEMENT, 8" | SYD | 381 | \$40.00 | \$15,240.00 |
| 21 | PORTLAND CEMENT CONCRETE SIDEWALK, 5" | SF | 19053 | \$5.00 | \$95,265.00 |
| 22 | PORTLAND CEMENT CONCRETE SIDEWALK, 8" | SF | 510 | \$10.00 | \$5,100.00 |
| 23 | PORTLAND CEMENT CONCRETE SIDEWALK, 5" (SPECIAL) | SF | 1439 | \$10.00 | \$14,390.00 |
| 24 | CLASS "SI" CONCRETE (MISCELLANEOUS) | CYD | 6 | \$500.00 | \$3,000.00 |
| 25 | PROTECTIVE COAT | SYD | 3934 | \$1.00 | \$3,934.00 |
| 26 | WATER VALVE BASIN, CATCH BASIN, MANHOLE OR INLET TO BE ADJUSTED | EACH | 4 | \$300.00 | \$1,200.00 |
| 27 | CITY ELECTRIC MANHOLE OR HANDHOLE TO BE ADJUSTED | EACH | 6 | \$300.00 | \$1,800.00 |
| 28 | CATCH BASIN, MANHOLE, OR INLET TO BE REMOVED | EACH | 30 | \$250.00 | \$7,500.00 |
| 29 | MANHOLE, TYPE A (INCLUDING FRAME AND LID) | EACH | 9 | \$4,000.00 | \$36,000.00 |
| 30 | MANHOLE, TYPE B (INCLUDING FRAME AND LID) | EACH | 4 | \$5,000.00 | \$20,000.00 |
| 31 | CATCH BASIN (INCLUDING FRAME AND LID) | EACH | 16 | \$2,500.00 | \$40,000.00 |
| 32 | STORM SEWER, TYPE 2, 8" (ESVCP) | LFT | 311 | \$50.00 | \$15,550.00 |
| 33 | STORM SEWER, TYPE 2, 36" (RCP) | LFT | 211 | \$250.00 | \$52,750.00 |
| 34 | STORM SEWER, TYPE 1, 48" (DIP) | LFT | 349 | \$450.00 | \$157,050.00 |
| 35 | STORM SEWER, TYPE 1, 8" (DIP) | LFT | 72 | \$100.00 | \$7,200.00 |
| 36 | STORM SEWER, TYPE 2, 8" (DIP) | LFT | 62 | \$100.00 | \$6,200.00 |
| 37 | STORM SEWER, TYPE 2, 48" (RCP) | LFT | 246 | \$275.00 | \$67,650.00 |
| 38 | STORM SEWER, TYPE 2, 54" (RCP) | LFT | 330 | \$400.00 | \$132,000.00 |
| 39 | STORM SEWER, TYPE 1, 12" (DIP) | LFT | 125 | \$125.00 | \$15,625.00 |
| 40 | PIPE DRAIN CONNECTION 10" | LFT | 20 | \$50.00 | \$1,000.00 |
| 41 | PIPE DRAIN CONNECTION 24" | LFT | 80 | \$225.00 | \$18,000.00 |
| 42 | PIPE DRAIN CONNECTION 36" | LFT | 10 | \$300.00 | \$3,000.00 |

| Item # | Description | Unit | Loomis Qty | Loomis Unit Cost | Loomis Total Cost |
|--------|--|--------|------------|------------------|-------------------|
| 43 | PIPE UNDERDRAIN (PESVCP), 6" | LFT | 244 | \$30.00 | \$7,320.00 |
| 44 | HOUSE DRAIN REPLACEMENT | LFT | 1092 | \$40.00 | \$43,680.00 |
| 45 | DUCTILE IRON SADDLE OUTLET CONNECTION, 6" | EACH | 9 | \$500.00 | \$4,500.00 |
| 46 | DUCTILE IRON SADDLE OUTLET CONNECTION, 8" | EACH | 4 | \$500.00 | \$2,000.00 |
| 47 | DUCTILE IRON SADDLE OUTLET CONNECTION, 12" | EACH | 1 | \$500.00 | \$500.00 |
| 48 | TRENCH BACKFILL | CYD | 2681 | \$30.00 | \$80,430.00 |
| 49 | LIDS FOR MANHOLES, CATCH BASINS, INLETS, AND WATER METER VALVES | EACH | 35 | \$100.00 | \$3,500.00 |
| 50 | CHICAGO STANDARD FRAMES FOR MANHOLES, CATCH BASINS, INLETS, AND WATER METER VALVES | EACH | 35 | \$100.00 | \$3,500.00 |
| 51 | TRAFFIC CONTROL AND PROTECTION | L. SUN | 1 | \$75,000.00 | \$75,000.00 |
| 52 | ENGINEER'S FIELD OFFICE, TYPE A | MTH | 6 | \$1,500.00 | \$9,000.00 |
| 53 | FURNISHING AND MAINTAINING AUTOMOTIVE VEHICLE | MTH | 6 | \$1,000.00 | \$6,000.00 |
| 54 | TOPSOIL, 4" | SYD | 1036 | \$5.00 | \$5,180.00 |
| 55 | SODDING, SALT TOLERANT | SYD | 1036 | \$5.00 | \$5,180.00 |
| 56 | SUPPLEMENTAL WATERING | UNIT | 20 | \$100.00 | \$2,000.00 |
| 57 | PAVEMENT FABRIC | SYD | 1399 | \$6.00 | \$8,394.00 |
| 58 | BITUMINOUS CONCRETE SURFACE REMOVAL (VARIABLE DEPTH) | SYD | 565 | \$8.00 | \$4,520.00 |
| 59 | PAVEMENT REMOVAL | SYD | 4865 | \$25.00 | \$121,625.00 |
| 60 | DRIVEWAY AND ALLEY PAVEMENT REMOVAL | SYD | 125 | \$20.00 | \$2,500.00 |
| 61 | CURB REMOVAL | LFT | 83 | \$4.00 | \$332.00 |
| 62 | COMBINATION CONCRETE CURB AND GUTTER REMOVAL | LFT | 2955 | \$4.00 | \$11,820.00 |
| 63 | SIDEWALK REMOVAL | SF | 21202 | \$1.50 | \$31,803.00 |
| 64 | THERMOPLASTIC PAVEMENT MARKING - LINE 24" | LFT | 320 | \$1.00 | \$320.00 |
| 65 | THERMOPLASTIC PAVEMENT MARKING - LINE 6" | SF | 720 | \$5.00 | \$3,600.00 |
| 66 | THERMOPLASTIC PAVEMENT MARKING - LINE 4" | LFT | 1413 | \$2.50 | \$3,532.50 |
| 67 | RAILROAD PROTECTIVE LIABILITY INSURANCE | L. SUN | 1 | \$10,000.00 | \$10,000.00 |
| 68 | SAND CUSHION, 3" | SF | 1500 | \$2.00 | \$3,000.00 |
| 69 | PIPE HANDRAIL (SPECIAL) | LFT | 1140 | \$50.00 | \$57,000.00 |
| 70 | POROUS GRANULAR EMBANKMENT | CYD | 25 | \$30.00 | \$750.00 |
| 71 | EPOXY PAVEMENT MARKING - LINE 4" | LFT | 650 | \$2.00 | \$1,300.00 |
| 72 | MANHOLE RECONSTRUCTION (SPECIAL) | EACH | 1 | \$120,000.00 | \$120,000.00 |
| 73 | DRILL AND GROUT DOWEL BARS | EACH | 36 | \$20.00 | \$720.00 |
| 74 | DUST CONTROL WATERING | UNIT | 30 | \$30.00 | \$900.00 |
| | SUBTOTAL | | | | \$1,863,614.00 |
| | 10% CONTINGENCY | | | | \$186,361.40 |
| | TOTAL | | | | \$2,049,975.40 |
| | 10% SUPERVISION | | | | \$204,997.54 |
| | BOE FORCE A/C | | | | \$125,000.00 |
| | RAILROAD FORCE A/C | | | | \$5,000.00 |
| | GRAND TOTALS | | | | \$2,384,972.94 |

*ESTIMATE ASSUMES SEWER WILL BE TRENCHED FROM HILLOCK TO ELEANOR AVENUES.

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date August 27, 2003

Agreement # 1059

The City Council
(Board or Council of Township, Village, City, County, etc.)

meeting on January 16, 2003 Resolved to authorize Miguel d'Escoto, Commissioner, CDOT
(Date) (Name, Office)

to act as its designated agent in the processing of this Stipulated agreement and that

the City of Chicago is financially willing and able to
(Township, Village, City, County)

bear the cost for the proposed improvements as may be assigned to it according to
Section 5 of this Agreement.